

1645  
PATENT

Docket No. 9386.17711-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brady et al.

Group Art Unit: 1645

Serial No.: 10/036,732

Examiner: Unknown

Filed: 21 December 2001

For: Devices, Systems, and Methods for Reducing Levels of Pro-Inflammatory or Anti-Inflammatory Stimulators or Mediators in the Blood Generated as a Result of Extracorporeal Blood Processing

Commissioner of Patents  
Washington, D.C. 20231

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))

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NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as First Class Mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 14 April 2003

Linda S. Wenzel  
Type or print name of person mailing paper

(Signature of person mailing paper)

NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 14 April 2003

Reg. No. 29,243

Telephone No.: (262) 783-1300



Signature of Attorney of Record

Daniel D. Ryan

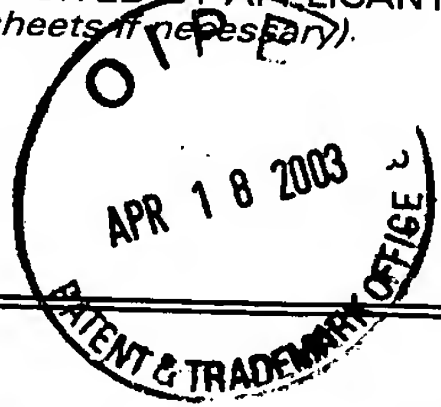
Type or Print Name of Attorney of Record

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**Milwaukee, Wisconsin 53226-0618**

LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. 9386.17711-A	SERIAL NO. 10/036,732
	APPLICANT Brady et al.	
	FILING DATE 21 December 2001	GROUP 1645



### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,277,820	11 Jan 94	Ash			
	5,437,861	01 Aug 95	Okarma et al.			
	5,523,096	04 Jun 96	Okarma et al.			
	5,545,721	13 Aug 96	Carroll et al.			
	5,639,376	17 Jun 97	Lee et al.			
	5,726,156	10 Mar 98	Girten et al.			
	5,726,166	10 Mar 98	Playfair et al.			
	5,730,713	24 Mar 98	Okarma et al.			
	5,760,001	02 Jun 98	Girten et al.			
	5,760,177	02 Jun 98	Iwanaga et al.			
	5,773,384	30 Jun 98	Davankov et al.			

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### FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

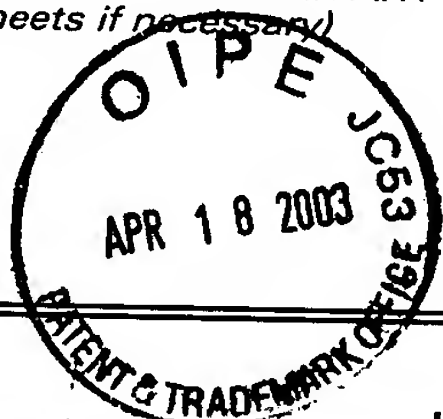
### OTHER PRIOR ART *(Including Author, Title, Date, Pertinent Pages, Etc.)*

			"Microparticles for Hemoperfusion and Extracorporeal Therapy"; Mikhalovsky, S.; 1999; MML Series, Volume 2.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,786,332	28 Jul 98	Girten et al.			
	5,904,663	18 May 99	Braverman et al.			
	5,912,327	15 Jun 99	Li et al.			
	6,030,615	29 Feb 00	Bucala et al.			
	6,087,300	11 Jul 00	Davankov et al.			
	6,114,466	05 Sep 00	Davankov et al.			
	6,127,311	03 Oct 00	Davankov et al.			
	6,132,610	17 Oct 00	Hirai et al.			
	6,133,393	17 Oct 00	Davankov et al.			
	6,136,424	24 Oct 00	Davankov et al.			
	6,153,707	28 Nov 00	Davankov et al.			

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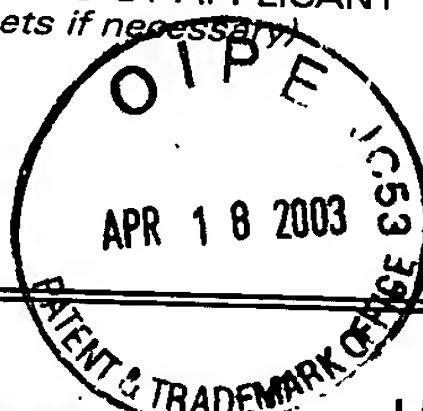
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	6,156,851	05 Dec 00	Davankov et al.			
	6,159,377	12 Dec 00	Davankov et al.			
	6,203,997	20 Mar 01	Romaschin et al.			
	6,238,795	29 May 01	Strom et al.			
	6,245,738	12 Jun 01	Suto et al.			
	6,287,516	11 Sep 01	Matson et al.			

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